

REMARKS

In the Office Action dated July 15, 2005, claims 1, 15, and 25 were rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the enablement requirement; and claims 1-52 were rejected under § 103 over U.S. Patent No. 6,826,611 (Arndt) in view of U.S. Patent No. 6,735,631 (Oehrke).

REJECTION UNDER 35 U.S.C. § 112, ¶ 1

Claims 1, 15, and 25 were rejected under § 112, ¶ 1, as failing to comply with the enablement requirement. 7/15/2005 Office Action at 2. Specifically, the Office Action contended that “the predetermined criteria” is not enabled by the specification.

Applicant respectfully disagrees with this assessment, as at least page 11 of the specification provides a detailed explanation of how selection of a client/server IP route is performed, in accordance with some embodiments. *See Specification, p. 11, lines 3-20.* The predetermined criteria identified on page 11 of the specification includes any one or more of: a shortest Autonomous System (AS) path, a lowest origin type, a lowest Multi_Exit_Disc (MED), a default best client/server IP address, and others. Thus, selecting an IP route from a set of routes that meets predetermined criteria (as recited in the claims) is clearly supported and enabled by the specification of the present application.

Moreover, it is respectfully submitted that the Office Action has failed to satisfy the burden required by the M.P.E.P. for a rejection based on lack of enablement. As stated by the M.P.E.P., “the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention.” M.P.E.P. § 2164.04 (8th ed., Rev. 2), at 2100-189.

A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented *must* be taken as being in compliance with the enablement requirement of 35 USC 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support.

Id. (emphasis added).

[I]t is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up the assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement.

Id. (emphasis in original).

The examiner has to establish factors, reasons, and evidence that lead the examiner to conclude that the specification fails to teach how to make and use the claimed invention without undue experimentation. *Id.*

Therefore, it is respectfully submitted that the Office Action has failed to provide the necessary evidence and rationale that would indicate that the claims lack enablement.

Withdrawal of the § 112, ¶ 1 rejection, based on lack of enablement, is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103,

Independent claims 1 and 15 have been amended. Claim 25 remains un-amended.

Claim 1 recites a method for internet protocol (IP) address selection that comprises:

- assigning a single domain name to a set of server IP addresses *corresponding to plural servers*;
- receiving a request for the domain name from the client IP address;
- retrieving a set of IP routes linking the server IP addresses and the client IP address; and
- selecting an IP route from the set of routes which meets predetermined criteria.

It is respectfully submitted that claim 1 is not obvious over the asserted combination of Arndt and Oehrke based for at least the following reason: even if it was proper to combine Arndt and Oehrke, the hypothetical combination of Arndt and Oehrke does not teach or suggest all elements of claim 1.

Specifically, Arndt and Oehrke, either alone or in combination, do not teach or suggest assigning a *single* domain name to a set of server IP address *corresponding to plural servers*. Arndt describes a test apparatus and method that involves the use of a test instrument for monitoring network traffic. Arndt, 3:19-24. The test instrument is able to discover hosts, with each host placed in a database in an address range. Arndt, 3:59-4:3. Arndt further describes a

test instrument attempting to find a source IP address that is not already used. Arndt, 4:57-67. If the test instrument finds that a particular source IP address is active, then the source IP address is decremented and the process is repeated to see if the decremented source IP address is already used. Arndt, 5:9-16. If the source IP address is determined not to be already used, then discovery requests are sent over a network to identify local IP configurations. Arndt, 5:37-41. After the discovery requests have been processed, the test instrument selects the best default router, best subnet mask, and best DNS server. Arndt, 5:50-54. The DNS server selected is the lowest DNS server IP address in the same address range as the test instrument. Arndt, 5:63-65.

Nothing in Arndt even remotely teaches or suggests assigning a single domain name to a set of server IP addresses corresponding to plural servers.

Oehrke similarly fails to disclose or suggest assigning a single domain name to a set of server IP addresses corresponding to plural servers. Office Action cited to a passage in column 11 of Oehrke, which relates to Fig. 4 of Oehrke, to support the obviousness rejection. Fig. 4 of Oehrke depicts a network arrangement that has a client computer 72, a DNS server 74, and a network 76 associated with IP address 100.200.300.1. Oehrke, 10:41-47. Significantly, the DNS server 74 of Oehrke associates a name, www.petsrus.com, with *one* IP address 100.200.300.1. See Oehrke, Fig. 4 (element 74). As stated by Oehrke, www.petsrus.com is resolved by the DNS server 74 to *an* IP address of 100.200.300.1. Thus, as taught by Oehrke, the DNS server assigns one domain name to *one* IP address – Oehrke clearly does not suggest assigning a single domain name to a set of server IP addresses corresponding to plural servers.

In view of the foregoing, it is clear that the hypothetical combination of Arndt and Oehrke does not teach or suggest all elements of claim 1. Therefore, a *prima facie* case of obviousness cannot be established with respect to claim 1. Claim 15 is similarly allowable over the asserted combination of Arndt and Oehrke.

Independent claim 25 recites a system that comprises a set of servers having a single domain name; a client computer; a set of routers for storing IP routes between the servers and the client; and a domain system server for downloading IP routes from the routers for storage in an IP routes database, and in response to a query containing the domain name received from

the client computer, selecting one of the IP routes contained in the IP routes database which meets predetermined criteria.

The Office Action cited column 5, line 37-column 6, line 3, of Arndt as disclosing a set of servers having a single domain name. Specifically, the Office Action noted that “the DNS server of Arndt contains server addresses.” 7/15/2005 Office Action at 5. Although it is true that a DNS server contains server addresses, it is clear that in Arndt, the DNS server does *not* assign multiple servers to a single domain name. Therefore, in view of the mis-application of Arndt to an element of claim 25, it is respectfully submitted that a *prima facie* case of obviousness has not been established over Arndt and Oehrke.

Although the Office Action does not explain how Oehrke applies to claim 25, Applicant nevertheless notes that the DNS server 74 (in Fig. 4 of Oehrke) does *not* download IP routes between servers and a client. Note that in Fig. 4 of Oehrke, the DNS server 74 associates one domain name (www.petsrus.com) with *one* IP address – it is clear that the DNS server 74 of Oehrke does not download IP routes between plural servers (having a single domain name) and a client computer for storage in an IP routes database, as recited in claim 25.

Therefore, it is clear that the hypothetical combination of Arndt and Oehrke does not teach or suggest all elements of claim 25. In view of the foregoing, a *prima facie* case of obviousness has not been established with respect to claim 25.

Dependent claims, including newly added dependent claim 53, are allowable for at least the same reasons as corresponding independent claims.

Moreover, with respect to dependent claim 33 (which depends indirectly from claim 1), neither Arndt nor Oehrke teaches the following element: prior to retrieving the set of IP routes, checking a database in a cache to find an IP route entry containing an IP route previously indicated as being a best IP route. The Office Action cited to Arndt, column 4, line 26-column 6, line 36, as disclosing this feature. 7/15/2005 Office Action at 7. Applicant respectfully disagrees. In the cited passage of Arndt, the only reference to “cache” is found in column 5, at lines 18-27. In this column 5 passage, Arndt states that hosts maintain an ARP cache, and Arndt further states that a desired goal is to avoid corrupting the ARP caches. There is nothing here that even remotely suggests that prior to retrieving a set of IP routes, a database in a cache

is checked to find an IP route entry containing an IP route previously indicated as being a best IP route. Dependent claim 33 is therefore allowable for at least this additional reason.

With respect to claim 35 (which depends indirectly from claim 1), it is respectfully submitted that the hypothetical combination of Arndt and Oehrke does not teach or suggest accessing a field in a record, the field to indicate one of plural techniques for downloading IP routes from routers to the DNS server; and based on the technique *identified by the field*, establishing one or more sessions with the routers to download IP routes from the routers into an IP routes database in the DNS server. The Office Action cited column 5, lines 10-15, and column 6, lines 14-26, of Arndt of disclosing this feature of claim 35. 7/15/2005 Office Action at 8. The cited column 5 passage of Arndt refers to a discovery database that is used by the test instrument to determine if a source IP address is already in use. The cited column 6 passage refers to the test instrument automatically running segment discovery tests to analyze network devices within a broadcast domain to detect local hosts, switches, cameras, routers, servers, and other network devices. Nowhere in the cited column 5 or 6 passage is there any indication or suggestion of accessing a field in a record, where the field indicates one of plural techniques for downloading IP routes from routers to the DNS server, and based on the technique identified by the field, establishing one or more sessions with the routers to download IP routes from the routers into an IP routes database in the DNS server. Claim 35 is thus allowable for at least this additional reason.

Claim 44 (which depends indirectly from claim 15) and claim 49 (which depends from claim 25) are allowable for reasons similar to those of claim 35.

Appln. Serial No. 09/819,911
Amendment dated October 14, 2005
Reply to Office Action Mailed July 15, 2005

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10006946-1).

Respectfully submitted,

Date: 10-14-2005


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